

I hereby certify that this declaration under 37 CFR 1.132 is being electronically filed with the electronic filing system (EFS-Web) of the US Patent and Trademark Office on the date set forth below.

Dated: 8/25/2009

Signature:

(George A. Xixis)

Docket No.: 105150-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Antonis S. Zervos

Application No.: 10/728,056

Confirmation No.: 7674

Filed: December 4, 2003

Art Unit: 1617

For: **METHOD AND COMPOUNDS FOR
INHIBITION OF CELL DEATH**

Examiner: Kendra D. Carter

DECLARATION UNDER 37 C.F.R. 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Antonis S. Zervos citizen of United States, residing at 1556 Maidencane Loop, Oviedo FL 32765, and declare as follows:

1. I am currently employed as Professor of Molecular Biology at the Burnett School of Biomedical Sciences of the College of Medicine at the University of Central Florida, 12722 Research Parkway Orlando, FL 32826
2. I am the inventor of the invention disclosed and claimed in the above-referenced pending United States Patent Application No. 10/728,056 entitled "METHOD AND COMPOUNDS FOR INHIBITION OF CELL DEATH" which was filed on December 4, 2003.
3. I have studied the claims presently pending in the application as well as an Office Action issued in this application on February 25, 2009, and I understand that this Office Action rejects some of those pending claims as being anticipated by or alternatively as obvious over an article entitled "Characterization of a Novel and Specific Inhibitor for the Pro-apoptotic Protease Omi/HtrA2," published in The Journal of Biological Chemistry, vol. 278, No. 13, pages 11489-

11494 on March 28, 2003. I am a co-author this paper with the following additional authors: Lucia Cilenti, Younhee Lee, Sibylle Hess, Srinivasa Srinivasula, Emad Alnemri, Kwon Moo Park , Joseph Bonventre, Daniela Junqueira; and Hedvika Davies.

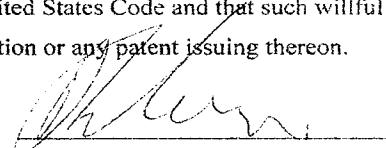
4. I declare that to the extent the aforementioned article discloses or otherwise suggests the subject matter of one or more claims in the above-referenced patent application, this subject matter was invented solely by me, and that the aforementioned additional authors did not contribute to the conception of that subject matter; I planed all the experiments, organized the different tasks and allocated the responsibilities for said tasks, coordinated the people involved, interpreted the data, drew conclusions and wrote the manuscript.

5. I further that Lucia Cilenti was a postdoctoral fellow in my laboratory at the University of Central Florida who performed the majority of the experiments which are described in the aforementioned article based on my planning and instructions; Younhee Lee is a technician in my laboratory who at my direction and following the plan I had developed, assisted with the screening for potential inhibitors of Omi/HtrA2; Sibylle Hess is a collaborator who at my request and instruction performed an experiment that I planned, to measure the IC50 for ucf-101 on Omi as well as on various other proteases; Srinivasa Srinivasula and Emad Alnemri, are collaborators resident at Thomas Jefferson University, who at my request and direction, performed an experiment, which I planned, using ucf-101 in acaspase-9 (-/-) cell line; Kwon Moo Park and Joseph Bonventre did not directly contribute to the work set forth in the manuscript; Daniela Junqueira was an undergraduate student in my laboratory who was hired to assist in the performance of some of the experiments, said experiments being planned and designed by me, set forth in the aforementioned manuscript; Hedvika Davies was a graduate student at the University of Central Florida who participated in carrying out, at my direction, some of the experiments, planned and designed by me, set forth in the manuscript

5. I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

08/21/09

Date



Antonis S. Zervos